

Dec 30, 1971

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTIES OF ADAMS, CANYON, GEM,
OWYHEE, PAYETTE AND WASHINGTON
- - - - -

AMENDED
MAGISTRATE DIVISION RULES
- - - - -

Subject to rules announced by the Idaho Supreme Court, the following District Court Magistrate Division rules are hereby promulgated, ordered and adopted to govern and establish the place of filings of actions, assignments of jurisdiction, location of court facilities, and practice and procedure in the Magistrates Divisions of the above-entitled court and shall become effective January 1, 1972:

1. Canyon County, Idaho will contain three Magistrate Division court facilities called Sections. Section #1 shall be located in the Canyon County court facility situate at the corner of 7th Avenue and Main Street in Caldwell, Idaho and be a sufficient court facility to carry on two six-man jury trials simultaneously, and the resident chambers of the two Canyon County lawyer-magistrates shall be located in said Section #1 court facility.

Section #2 shall be located in the Canyon County court facility located in the Courthouse Annex on Belmont Street between 11th and 12th Avenues in Caldwell, Idaho and be a sufficient facility to carry on six-man jury trials, and one Canyon County non-lawyer magistrate must maintain his resident chambers in said Section #2 court facility.

A Magistrate Division court facility must be maintained in the Canyon County Building located at 120 Ninth Avenue South in Nampa, Idaho, which facility is designated as the Nampa Section, and one Canyon County non-lawyer magistrate must maintain his resident chambers in said Nampa Section court facility.

All misdemeanor, petty misdemeanor and violation cases arising out of occurrences happening within the city limits of Nampa, Idaho must be filed at said Nampa Section court facility.

All other criminal and violation cases arising out of occurrences happening in Canyon County must be filed at said Section #2 court facility.

Canyon County Small Claims cases may be filed at said Section #2 court facility or at said Nampa Section court facility.

All civil cases (other than Small Claims cases) within the assigned jurisdiction of the Magistrates Division of Canyon County must be filed at said Section #1 court facility and no Small Claims cases may be filed at said Section #1 court facility.

All Canyon County proceedings involving custody of minors within the provisions of Chapters 15, 16, 18, 19 and 20 of Title 16 of the Idaho Code must be filed or charged at said Section #1 court facility.

2. Pursuant to authority of Chapter 23, Title 1, Idaho Code, there is hereby created in each county of the Third Judicial District a Small Claims Department of the Magistrates Division of the District Court. Power and jurisdiction to handle Small Claims cases is hereby assigned to each magistrate of this District.

Recognizing the informality of trials in Small Claims cases and the spirit of the law being to afford a court for inexpensive and speedy determination of disputes in cases in which the amounts involved are small (but nevertheless of vital importance to the litigants) and in which cases the litigants are not ordinarily able to afford much expense, and to keep the cost of using the Small Claims courts at a minimum, no Small Claims trials in this district will be taken down either stenographically or by sound recording devices, and all appeals in Small Claims cases to the district courts will be tried de novo in the district court.

3. Qualified bonded personnel shall be provided in Nampa, Caldwell, Parma, Homedale, Marsing, Murphy, Emmett, New Plymouth, Payette, Weiser, Cambridge, Council and New Meadows, Idaho to accept written appearances, waivers of trial, pleas of guilty, and to collect fines and forfeitures; also to set bail in accordance with the provisions of Rules 31(B) and 32 of the Uniform District Court and Magistrate Division Rules.

4. All magistrates of Canyon, Gem and Owyhee Counties shall meet together at least once a month for the purpose of allocation of their work load, assignment and setting of cases for trial, arrangement of court calendars and for the purpose of holding any necessary conferences relative to procedural or other current problems affecting the operation of the magistrate courts.

5. All magistrates of Adams, Washington and Payette Counties shall meet together at least once a month for the purpose of allocation of their work load, assignment and setting of cases for trial, arrangement of the court calendars and for the purpose of holding any necessary conferences relative to procedural or other current problems affecting the operation of the magistrate courts.

6. The Uniform District Court Rules and the Local Rules of the Third Judicial District, in addition to the Idaho Rules of Civil Procedure, shall govern the procedures of the Magistrates Divisions where applicable or unless otherwise provided for by Statute or Supreme Court Rule; provided, however, that copies of requests for trial and responses thereto in civil cases arising in Canyon, Gem and Owyhee Counties shall be furnished to the clerk of the court facility designated as Section #1 of Canyon County; and in civil cases arising in Washington, Payette and Adams Counties shall be furnished to the Attorney Magistrate in Weiser, Idaho, and not to the District Court Judge as provided by Local District Court Rule #7.

7. Two regular magistrate court facilities, each sufficient to carry on six-man jury trials, shall be maintained in Owyhee County, one at Murphy and one at Homedale. The Murphy court facility is designated as the Murphy Section, and the Homedale court facility is designated as the Homedale Section.

Civil cases including Small Claims cases and criminal and violation cases may be filed at either the Homedale Section or the Murphy Section, except that Owyhee County probate cases may be filed only at the Murphy Section.

All Owyhee County proceedings involving custody of minors within the provisions of Chapters 15, 16, 18, 19 and 20 of Title 16 of the Idaho Code must be filed or charged at said Murphy Section.

Small Claims cases may also be filed and tried at the special Small Claims court facilities located at Marsing, Idaho, designated as the Marsing Small Claims Court.

In addition to the matters covered and provided for by Rule #3 above, as it relates to Owyhee County, only Small Claims cases may be filed and tried at said Marsing court facility.

8. All Gem County matters within the jurisdiction of the Magistrates Division shall be filed or charged in the Magistrates Court at Emmett, Idaho; Washington County matters at Weiser, Idaho; Payette County matters at Payette, Idaho; Adams County matters at Council, Idaho, except that a special Small Claims court facility will be maintained at New Meadows, Idaho designated as the New Meadows Small Claims Court. In addition to the matters covered and provided for by Rule #3 above, as it relates to Adams County, only Small Claims cases may be filed and tried at said New Meadows court facility.

9. The Magistrates of the Third Judicial District are hereby assigned, respectively, without further order of the Senior District Judge, the matters specified in I.C. 1-2208 (as limited by I.C. 1-2210) and Chapter 23, Title 1, Idaho Code, except that the following matters are not assigned and will not be assigned to Magistrates except on special order of a majority of the district judges:

a. Civil actions in which the amount of money or damages or the value of property claimed exceeds \$1,000.00;

b. Criminal proceedings in which the maximum authorized punishment exceeds a fine of \$1,000.00 or confinement for one year in the county jail, or both; and in this connection, in any criminal proceeding in which the maximum authorized punishment exceeds a fine of \$1,000.00 or confinement for one year in the county jail, or both, a preliminary hearing must be held by a Magistrate before the defendant may be bound over to the District Court for trial, unless preliminary hearing is waived by the defendant; and each and every magistrate in the Third Judicial District is hereby assigned the power and jurisdiction to hold preliminary hearings;

c. Any proceedings involving the custody of minors other than proceedings within the provisions of Idaho Code Title 16, Chapter 15 (Adoption of Children); Title 16, Chapter 16 (Child Protective Act); Title 16, Chapter 18 (Youth Rehabilitation Act); Title 16, Chapter 19 (Interstate Compact on Juveniles); and Title 16, Chapter 20 (Termination of Parent and Child Relationship).

All proceedings involving custody of minors within the provisions of Idaho Code Title 16, Chapter 15 (Adoption of Children); Title 16, Chapter 16 (Child Protective Act); Title 16, Chapter 18 (Youth Rehabilitation Act); Title 16, Chapter 19 (Interstate Compact Act on Juveniles); and Title 16, Chapter 20

(Termination of Parent and Child Relationship) are hereby assigned to the lawyer magistrates within the district but not to any non-lawyer magistrates, except that all magistrates are assigned jurisdiction to hear juvenile traffic cases unless in violation of subsections 1(c) and 1(d) of I.C. 16-1803. Violations within subsections 1(c) and 1(d) of I.C. 16-1803 are hereby assigned exclusively to the lawyer magistrates within the district.

Compromise of minors' claims pursuant to I.C. 15-1839 and proceedings for hospitalization of mentally ill or mentally deficient or retarded (Title 66, Chapter 3) are assigned exclusively to lawyer magistrates within this district.

d. Habeas corpus proceedings;

e. Proceedings for divorce, separate maintenance and annulment, including orders to show cause incident thereto, and issuance of restraining orders;

f. All proceedings pursuant to the Revised Uniform Reciprocal Enforcement of Support Act and I.C. 32-710A;

g. Proceedings in eminent domain, quo warranto, or for injunction, prohibition, mandamus, ne exeat, or appointment of a receiver.

10. Jurisdiction to hold the hearings required by I.C. 32-202 to determine if minors are sufficiently developed mentally and physically to assume full marital duties is hereby assigned to all district court magistrates within this district and petitions for such hearings may be filed at any magistrate court facility except those court facilities which are limited to Small Claims cases only.

11. The lawyer magistrates for Canyon County are hereby assigned, with concurrent jurisdiction, temporarily and until

further order all cases in Gem, Canyon and Owyhee Counties which are within the exclusive assigned jurisdiction of lawyer magistrates.

12. The lawyer magistrate for Washington County is hereby assigned temporarily and until further order all cases in Adams, Payette and Washington Counties which are within the exclusive assigned jurisdiction of lawyer magistrates.

13. Temporarily and until further order, each lawyer magistrate in this district is assigned power and jurisdiction to handle any matter in any county of this district within the exclusive assigned jurisdiction of lawyer magistrates in the event either of the other two lawyer magistrates is ill or for any other reason unable or unavailable to attend to such matters.

14. The assigned authority of each magistrate extends to the whole of his resident county.

15. Temporarily and until further order, each magistrate in this district is hereby assigned power and jurisdiction to issue search warrants and warrants of arrest in any county of this district in which the resident magistrate or magistrates is or are ill or for any other reason unable or unavailable to issue such warrants. Any such warrants, however, may be issued only out of the magistrates division of the county having jurisdiction.

16. The lawyer magistrate in Canyon County who has been admitted to the practice of law in the State of Idaho the longer time shall be responsible for the proper allocation of the work load, assignment and setting of cases for trial and arrangement of the court calendars including the setting of law and motion days in the Magistrates Divisions of District Court in the counties of Gem, Canyon and Owyhee.

The lawyer magistrate of Washington County shall be responsible for the proper allocation of the work load, assignment and setting of cases for trial and arrangement of the Court calendars, including the setting of law and motion days in the Magistrates Division of District Court in the counties of Adams, Washington and Payette.

17. Each magistrate in the counties of Adams, Canyon, Gem, Owyhee, Payette and Washington shall make orders from time to time as may be necessary for the summoning of jurors from the qualified jury wheel for trials in the magistrate court facility to which he is primarily assigned and in the manner provided by said Uniform Jury Selection and Service Act.

18. For the Magistrates Division courts of the Third Judicial District, the first term of court for all such courts will commence at 12:01 a.m. January 11, 1971 and in each county such first term of the Magistrates Court will continue until replaced by the Spring Term of Court in such county, and such Spring Term and all following terms of the Magistrates Court in each county will coincide in duration and in point of time with the terms of court in the district court as set forth in the Order of December 21, 1970 and succeeding orders setting terms of court.

19. The Magistrate Division of the District Court of each county must have an official seal, but there may be no seal for any Small Claims Department.

20. No Magistrate who is an attorney may practice law in the courts of this State or any Federal Court.

21. It is the intent of these rules that commencing January 1, 1972 all cases, civil or criminal, within the assigned jurisdiction of the district court magistrates must be filed or charged at the proper magistrate division and magistrate court

facility, and not in the district court, except upon appeal.

22. All cases pending in each district court of this district at the time these rules take effect and which are then within the scope of the assigned jurisdiction of the Magistrates Division are not and will not be assigned to any magistrate but are and will be retained in the district court.

23. As to other matters relating to the transfer of cases or any power, duty, responsibility, function or jurisdiction of the probate courts, justice courts or police courts to the district court or magistrates' divisions of the district court when these rules become effective, specific reference is hereby made to I.C. 1-103 and Chapter 100 of the 1969 Idaho Session Laws.

Dated this 30th day of December, 1971.

Gilbert C. Norris

Gilbert C. Norris
Senior District Judge

Robert B Dunlap

Robert B. Dunlap
District Judge

Edward J. Lodge

Edward J. Lodge
District Judge